

Remarks

This is in response to the Official Action of April 20, 2007 in which the Examiner rejected claims 1-19 of the application as being anticipated under 35 U.S.C. 102(e) by Scott (U.S. 6,522,642). The rejection is traverse as following.

We respectfully request withdrawal of the anticipation rejections as the Scott reference simply fails to teach the claimed subject matter. Without limiting the generality of the foregoing the Scott reference simply fails to teach the following highlighted portions of claim 1.

1. An apparatus for processing N number of input signals having a common frequency, said apparatus comprising:
 - at least N-1 number of modulators for modulating N-1 of said N number of input signals into N-1 number of modulated signals;
 - a combiner for combining said modulated signals along with one non-modulated signal into an aggregate signal;
 - at least N-1 number of circulators for receiving at least part of said aggregate signal;
 - N-1 number of demodulators for demodulating said aggregate signal, each said demodulator corresponding to one of said modulators; and
 - N number of duplexer filters each corresponding to one of said N number of input signals;
 - wherein said circulators, said demodulators, and said duplexer filters, are arranged so as to pass N number of demodulated portions of said aggregate signal to a corresponding output and each of said demodulated portions being substantially identical to one of said N number of input signals.

In the rejection the Examiner relies on Figures 2 and 4 and column 4, lines 32-47. However, neither these figures, nor this passage, nor Scott in general, teaches the use of circulators as claimed.

Indeed, a key word search of the word circulator indicates that Scott does not even mention the word circulator.

Furthermore, regarding the last clause of claim 1, the Examiner relies on column 4, line 65 to column 15, line 11. We respectfully submit that simply stating that the claim limitation is taught somewhere between column 4 and column 15 (in other words somewhere within the majority of the patent document) fails to satisfy the PTO's initial burden of demonstrating a *prima facie* case of anticipation with sufficient specificity. Moreover, such a vague indication fails to comply with the U.S. Supreme Court's holding in KSR Int'l. Co. v. Teleflex, Inc., No. 04-1350 (U.S. April 30, 2007) that rejections under 35 U.S.C §103 as should be made explicit, as well as the U.S. Patent and Trademark Office's May 3, 2007 memo (issued by Margaret A. Focarino, Deputy Commissioner for Patent Operations) regarding same. In any event, once again we note that even in this lengthy passage, the Scott reference simply fails to teach the use of circulators as claimed.

Upon reading the rejection to claim 19 and in particular the Examiner's citation of column 11, line 1-25 as teaching "at least N-1 number of circulators..." the Applicants questions whether the Examiner is confusing the "correlator 186" as taught by Scott in the cited passage with the claimed circulators. If this is the case, we respectfully submit that this is incorrect, and these are fundamentally different devices. We respectfully that this claim limitation is not taught in this passage or in Scott generally. Accordingly, it is respectfully submitted that the rejection is deficient and should be withdrawn.

Similarly, claims 12 and 19 are not anticipated by Scott and the rejection is deficient for the reasons given above.

Regarding the dependent claims, we note that each claim adds further limitations which more clearly distinguishes the claimed subject matter from the teachings of the Scott reference. We respectfully submit that the Scott reference simply fails to teach the subject matter of the dependent claims.

Accordingly we respectfully submit that all of the claims are patentable over the teachings of the Scott reference and all of the rejections should therefore be withdrawn. Accordingly a Notice of Allowance is hereby requested.

No fee is believed due for this submission. However, Applicant authorizes the Commissioner to debit any required fee from Deposit Account No. 501593, in the name of Borden Ladner Gervais LLP. The Commissioner is further authorized to debit any additional amount required, and to credit any overpayment to the above-noted deposit account.

Respectfully submitted,

DEANE, Peter et al.

By: /Jeffrey Measures/
Jeffrey Measures
Reg. No. 40,272
Borden Ladner Gervais LLP
World Exchange Plaza
100 Queen Street, Suite 1100
Ottawa, ON K1P 1J9
CANADA
Tel: (613) 237-5160
Fax: (613) 787-3558
E-mail: ipinfo@blgcanada.com

JMM/dbm